

## Current Affair (06 January, 2022)

### **(1) Language of Courts in India**

**News :-** Recently, the Gujarat High Court has asked a journalist facing contempt of court proceedings to speak only in English as that was the language in the higher judiciary.

#### **Key Points**

##### **Background:**

The language used in Courts in India has seen a transition over centuries with the shift from Urdu to Persian and Farsi scripts during the Mughal period which continued in subordinate courts even during the British Rule.

The British introduced a codified system of law in India with English as the official language.

Post-independence, Article 343 of the Constitution of India provides that the official language of the Union shall be Hindi in the Devanagari script.

However, it mandated that the English language will continue to be used for all official purposes of the Union for 15 years from the commencement of the Constitution of India.

It further provides that the President may, during the said period, by order to authorise the use of the Hindi language for any official purpose of the Union, other than the English language.

About:

Article 348(1)(a) states that unless Parliament by law provides otherwise, all proceedings before the Supreme Court and in every High Court shall be conducted in English.

Article 348(2) provides further that notwithstanding the provisions of Article 348(1), the Governor of a state may, with the previous consent of the President, authorise the use of Hindi or any other language used for any official purpose, in proceedings in the High Court.

States of Uttar Pradesh, Bihar, Rajasthan and Madhya Pradesh have already authorised the use of Hindi in proceedings before their respective high courts and taking a cue, Tamil Nadu is also working in that direction – to authorise the use of Tamil before its high court.

A further provision states that nothing in this clause would apply to any judgement, decree, or order made by the High Court.

Therefore, the Constitution recognizes English as the primary language of the Supreme Court and the High Courts, with the caveat that when some other language is used in the proceedings of High Courts, judgments of the High Courts must be delivered in English.

##### **Official Languages Act 1963:**

It empowers the Governor of a state to, with previous consent of the President, authorise the use of Hindi/the official language of the state, in addition to English, for the purpose of any judgement, decree or order passed by the High Court of that state.

It further provides that where any judgement/decreed/order is passed in any such language it shall be accompanied by a translation of the same in English.

Read with the constitutional provisions, it is clear that primacy is given to English even by this Act.

The Official Languages Act makes no mention of the Supreme Court, where English is the only language in which proceedings are conducted.

##### **Note:**

The litigant has the fundamental right to understand and participate in the courtroom proceedings as it arguably confers a bundle of rights under Article 19 and Article 21.

The litigant has the right to speak in the language he/she understands before the magistrate. Similarly “right to justice” is also recognised under Article 21 of the Constitution.

So, the constitution has conferred the right to justice on the litigant which further encompasses that he shall have the right to understand the whole proceedings and the judgement delivered.

##### **Language of Subordinate Courts:**

The language of all courts subordinate to High Courts generally remains the same as the language on the commencement of the Civil Procedure Code 1908, till the state government determines.

There are two provisions regarding the use of language in subordinate courts. Under Section 137 of the Code of Civil Procedure, the language of the district courts shall be similar to the language of the act.

The state government has the power to declare any regional language as an alternative for the proceedings of the court.

However, judgments, orders, and decree may be passed by the magistrate in English.

The recording of the evidence shall be done in the prevailing language of the state.

In case of a pleader being unacquainted with English, a translation into the language of the court shall be supplied to him on his request and the court shall bear such costs.

Section 272 of the Code of Criminal Procedure 1973, states that the State government shall determine the language of all courts other than the High Courts. So, broadly it means that the language used in the district courts shall be in the regional language as the state government directs.

**Reasons for Using English:**

Just like cases from all over the country come to the Supreme Court, judges and lawyers of the Supreme Court also come from all parts of India.

Judges can hardly be expected to read documents and hear arguments in languages with which they are not familiar.

Without the use of English, it would be impossible to discharge their duty. All judgments of the Supreme Court are also delivered in English.

Though, in 2019, the Court introduced an initiative to translate its judgments into regional languages, it is rather a tall order given the sheer volumes of judgments which the Court delivers.

**Significance of Using English:**

**Uniformity:** At present the judicial system in India is well developed, integrated and uniform throughout the country.

**Easy Access:** Lawyers as well as the judges have the benefit of easy access to the views of other high courts on similar legislations and other matters of law and constitution.

**Seamless Transfers:** Presently, the judges from one high court are transferred to other high courts seamlessly.

**Unified Structure:** This has given a unified structure to the Indian judicial system. The hallmark of any robust legal system is that the law should be certain, precise and predictable and we have nearly achieved that in India.

**Link Language:** To a very great extent, we owe it to the English language, which has served as a link language for India where we have about two dozen official state languages.

**Way Forward**

Language has always been an emotive issue in India and the spectre of introduction of respective official languages of the states in 25 different high courts looms large, which will have very serious repercussions for the Indian judicial system.

A hitherto unified and well structured legal system within the country might well disintegrate in the game of lingual one-upmanship by the states.

The introduction of official state languages to the proceedings also directly confronts and interferes with the transfer policy of high court judges.

Thus the move by the different states to introduce their official language in their respective high courts without having a discussion with other states at any level or making any effort to achieve even a semblance of consensus for the alternative link language in place of English will only create legal pigeon holes with judiciary of one state having no means to interact with the judiciary of the other states.

The channels of communication between judiciaries of different states will be broken. In that eventuality the unified structure of the judicial system of the country will not be the only thing, which may crumble at the altar of petty regional politics and lingual chauvinism.

**(2) Income Criterion Remains for EWS Quota**

**News :-** Recently, a government committee report told the Supreme Court (SC) that “income” is a “feasible criterion” for defining the “Economical Weaker Sections” (EWS).

In October 2021 NEET aspirants filed a petition asking how ‘Rs 8 lakh’ has been taken as an annual income criterion to identify EWS for grant of 10% reservation in NEET medical admissions under the All India Quota (AIQ) category.

**EWS Quota**

The 10% EWS quota was introduced under the 103rd Constitution (Amendment) Act, 2019 by amending Articles 15 and 16.

It inserted Article 15 (6) and Article 16 (6).

It is for economic reservation in jobs and admissions in education institutes for Economically Weaker Sections (EWS).

It was enacted to promote the welfare of the poor not covered by the 50% reservation policy for Scheduled Castes (SCs), Scheduled Tribes (STs) and Socially and Educationally Backward Classes (SEBC).

It enables both Centre and the states to provide reservation to the EWS of society.

The income criterion for identifying EWS was introduced by a notification of January 17, 2019 which further laid down other conditions for identifying EWS, such as the beneficiary’s family must not own or

possess five acres of agricultural land, a residential flat of 1,000 square feet and above or residential plot of 100/200 square yards and above in notified/non-notified municipalities.

### **Key Points**

#### **About the Report:**

#### **8 Lakh is a fine Balance:**

The committee said the Rs 8 lakh criterion struck a “fine balance” between over-inclusion and inclusion errors and found it a “reasonable” threshold to determine EWS in order to extend reservation in admissions and jobs.

Considering that the currently effective income tax exemption limit is around Rs 8 lakh for individuals, the committee is of the view that the gross annual income limit of Rs 8 lakh for the entire family would be reasonable for inclusion into EWS.

Rejected Notion of Emulation of OBC Criterion:

It rejected the notion that the Centre had “mechanically adopted” Rs 8 lakh as a number because it was also used for the OBC (Other Backward Classes) creamy layer cut-off.

#### **Income Criterion more Stringent for EWS:**

Firstly, EWS’s criteria relates to the financial year prior to the year of application whereas the income criterion for the creamy layer in OBC category is applicable to gross annual income for three consecutive years.

Secondly, in case of OBC creamy layer, income from salaries, agriculture and traditional artisanal professions are excluded from the consideration whereas the Rs 8 lakh criteria for EWS includes all sources, including farming.

So, despite being the same cut-off number, their composition is different and hence, the two cannot be equated.

#### **Uniform Income Threshold Backed by SC:**

The desirability of a uniform income-based threshold has been upheld by the Supreme Court, and it can be adopted across the country as a matter of economic and social policy.

#### **Recommendations:**

In case of admissions to educational institutions, sudden adoption of new criteria inevitably and necessarily would delay the process by several months which would have an inevitable cascading effect on all future admissions and educational activities/teaching/examinations which are bound under various statutory or judicial time prescriptions.

EWS may, however exclude, irrespective of income, a person whose family has 5 acres of agricultural land and above. The residential asset criteria may altogether be removed.

The committee altogether omitted the residential asset criteria but retained the five acre agricultural plot criteria.

A three-year feedback loop cycle may be used to monitor the actual outcomes of these criteria and then be used to adjust them in future.

Data exchange and information technology should be used more actively to verify income and assets and to improve targeting for EWS reservations and also across government schemes.

The existing and ongoing criteria in every ongoing process where EWS reservation is available, be continued and the criteria recommended in this report may be made applicable from next advertisement/admission cycle.

### **(3) Securing Internet of Things**

**News :-** Recently, in order to secure Consumer Internet of Things (IoT) devices, Telecommunication Engineering Centre (TEC), under Department of Telecommunications, Ministry of Communications, has released a report “Code of Practice for Securing Consumer Internet of Things(IoT)”.

These guidelines will help in securing consumer IoT devices & ecosystem as well as managing vulnerabilities.

### **Key Points**

#### **Internet of Things:**

Definition: It is a computing concept that describes the idea of everyday physical objects being connected to the internet and being able to identify themselves to other devices.

One of Fastest Growing Technology: It is one of the fastest emerging technologies across the globe, providing enormous beneficial opportunities for society, industry, and consumers.

Use of IoT: It is being used to create smart infrastructure in various verticals such as Power, Automotive, Safety & Surveillance, Remote Health Management, Agriculture, Smart Homes and Smart Cities etc, using connected devices.

A smart device is a context-aware electronic device capable of performing autonomous computing and connecting to other devices wire or wirelessly for data exchange.

Supplementary Technologies: IoT is benefitted by recent advances in several technologies such as sensors, communication technologies (Cellular and non-cellular), Artificial intelligence/ Machine Learning, Cloud / Edge computing etc.

Magnitude of IOT: It has been projected that there would be around 11.4 billion consumer IoT devices and 13.3 billion enterprise IoT devices globally by 2025 i.e. consumer IoT devices would account for nearly 45% of all the IoT devices.

According to a market research report published by Markets and Markets, the global IoT security market size is expected to grow from USD 8.2 billion in 2018 to USD 35.2 billion by 2023.

### **Need For Guidelines:**

Anticipated Growth: In view of the anticipated growth of IoT devices, it is important to ensure that the IoT endpoints comply with the safety and security standards.

Cyber-Security Attack: The hacking of the devices/networks being used in daily life would harm companies, organisations, nations and more importantly people.

Therefore securing the IoT ecosystem end-to-end i.e. from devices to the applications is very important.

Ensuring end to end security for connected IoT devices is key to success in this market -without security, IoT will cease to exist.

Privacy Concerns: There is in this data-driven future, a growing concern about the potential for increased government surveillance and the resulting encroachment of civil rights, and the suppression of dissent or of marginalised communities

Consequences of Cyber Security Attack: Possible consequences of such attacks could include:

Discontinuity and interruption to critical services/infrastructure.

Infringement of privacy.

Loss of life, money, time, property, health, relationships, etc.

Disruptions of national scale including civil unrest.

### **Guidelines for securing consumer IoT:**

No Universal Default Passwords: All IoT device default passwords shall be unique per device and/or require the user to choose a password that follows best practises, during device provisioning.

Implement a means to manage reports of vulnerabilities: IoT developers should provide a dedicated public point of contact as part of a vulnerability disclosure policy.

Keep software updated: Software components in IoT devices should be securely updateable.

Securely store sensitive security parameters: IoT devices may need to store security parameters such as keys & credentials, certificates, device identity etc. which are critical for the secure operation of the device.

Communicate securely: Security-sensitive data, including any remote management and control, should be encrypted in transit, appropriate to the properties of the technology and usage of the device.

Minimise exposed attack surfaces: Devices and services should operate on the 'principle of least privilege'.

The Principle of Least Privilege states that a subject should be given only those privileges needed for it to complete its task.

Ensure that personal data is secure: In case the device collects or transmits personal data, such data should be securely stored.

Make systems resilient to outages: Resilience should be built into IoT devices and services where required by their usage or by other relying systems.

### **Way Forward**

Addressing Data Security Concerns: While IoT technology is clearly of significant advantage to citizens worldwide, along with greater advantage comes a potential risk to privacy.

This concern over data protection will need to be addressed and IoT manufacturers will have to build and sustain consumer trust in their devices.

In this context, the Data Protection Bill,2019 is a step in the right direction.

Need for Global Deliberation: Around the world, legislators, device manufacturers, and law enforcement agencies should come together to figure out how to benefit from IoT while mitigating risks.

### **(4) PMFME Scheme**

**News :-** Recently, the Ministry of Food Processing Industries and NAFED (National Agricultural Cooperative Marketing Federation of India Limited) today launched six, One District One Product (ODOP) brands under the Pradhan Mantri Formalisation of Micro food processing Enterprises (PMFME) Scheme.

The Ministry has signed an agreement with NAFED for developing 10 brands of selected ODOPs under the branding and marketing component of the PMFME scheme. Out of these, six brands are Amrit Phal, Cori Gold, Kashmiri Mantra, Madhu Mantra, Somdana, and Whole Wheat Cookies of Dilli Bakes.

### **Key Points**

#### **About:**

Launched under Atma Nirbhar Abhiyan, it aims to enhance the competitiveness of existing individual micro-enterprises in the unorganised segment of the food processing industry and to promote formalisation of the sector and provide support to Farmer Producer Organisations, Self Help Groups, and Producers Cooperatives along their entire value chain.

The scheme adopts the One District One Product (ODOP) approach to reap the benefit of scale in terms of procurement of inputs, availing common services and marketing of products.

It will be implemented over a period of five years from 2020-21 to 2024-25.

#### **Features:**

##### **One District One Product (ODOP) Approach:**

ODOP for the scheme will provide the framework for value chain development and alignment of support infrastructure. There may be more than one cluster of ODOP products in one district.

There may be a cluster of ODOP products consisting of more than one adjacent district in a State.

The States would identify food products for districts keeping in view the existing clusters and availability of raw material.

The ODOP could be a perishable produce based or cereal based or a food item widely produced in an area. E.g. mango, potato, pickle, millet based products, fisheries, poultry, etc.

##### **Other Focus Areas:**

Waste to wealth products, minor forest products and Aspirational Districts.

Capacity building and research: Academic and research institutions under MoFPI along with State Level Technical Institutions would be provided support for training of units, product development, appropriate packaging and machinery for micro units.

##### **Financial Support:**

Existing individual micro food processing units desirous of upgrading their units can avail credit-linked capital subsidy at 35% of the eligible project cost with a maximum ceiling of Rs.10 lakh per unit.

Support would be provided through credit linked grants at 35% for development of common infrastructure including common processing facility, lab, warehouse, etc. through FPOs/SHGs/cooperatives or state owned agencies or private enterprise.

A seed capital (initial funding) of Rs. 40,000- per Self Help Group (SHG) member would be provided for working capital and purchase of small tools.

##### **Marketing and Branding Support:**

Marketing and branding support would be provided to groups of FPOs/SHGs/ Cooperatives or an SPV of micro food processing enterprises under the scheme, which are:

Training relating to marketing.

Developing a common brand and packaging including standardisation.

Marketing tie-up with national and regional retail chains.

Quality control to ensure product quality meets the required standards.

##### **Funding:**

It is a centrally sponsored scheme with an outlay of Rs. 10,000 crore.

The expenditure under the scheme would be shared in 60:40 ratio between Central and State Governments, in 90:10 ratio with North Eastern and Himalayan States, 60:40 ratio with UTs with legislature and 100% by Centre for other UTs.

##### **Need:**

The unorganised food processing sector comprising nearly 25 lakh units contributes to 74% of employment in the food processing sector.

Nearly 66% of these units are located in rural areas and about 80% of them are family-based enterprises supporting livelihood of rural households and minimising their migration to urban areas.

These units largely fall within the category of micro enterprises.

The unorganised food processing sector faces a number of challenges which limit their performance and their growth. The challenges include lack of access to modern technology & equipment, training, access institutional credit, lack of basic awareness on quality control of products, and lack of branding & marketing skills etc.



**Related Initiatives:**

Pradhan Mantri Kisan Sampada Yojana.  
Agricultural and Processed Food Products Export Development Authority (APEDA).  
Minimum Support Prices (MSP).  
Commission for Agricultural Costs and Prices (CACP).  
National Skill Development Corporation (NSDC).  
Codex Alimentarius Commission  
Draft Food Safety And Standards (Labelling And Display) Regulation.

**National Agricultural Cooperative Marketing Federation of India Ltd**

**About:**

It is an apex organisation of marketing cooperatives for agricultural produce in India.  
It was founded on 2nd October 1958 and is registered under the Multi-State Co-operative Societies Act, 2002.  
NAFED is now one of the largest procurement as well as marketing agencies for agricultural products in India.

**Objectives:**

To organise, promote and develop marketing, processing and storage of agricultural, horticultural and forest produce.  
To distribute agricultural machinery, implements and other inputs, undertake inter-state, import and export trade, wholesale or retail as the case may be.  
To act and assist for technical advice in agricultural production for the promotion and the working of its members, partners, associates and cooperative marketing, processing and supply societies in India.

**(5) Jagannath Temple Act, 1954**

**News :-** Recently, in a historic decision, the Odisha state cabinet has approved amendments to the Sri Jagannath Temple Act of 1954.

**Key Points**

**About:**

In the year 1806, the then British government had issued regulations for management of the Jagannath temple which was referred to as the Juggernaut temple by the colonial rulers.  
Under these regulations, pilgrims who visited the temple were expected to pay taxes.  
The British government was entrusted with appointing senior priests at the temple.  
The powers of management of the temple were passed on to the King of Khordha after three years while the colonial government continued to retain some control.  
After India gained Independence, the Jagannath Temple Act was introduced in the year 1952, which came into effect in 1954.  
The Act contains provision on land rights of the temple, duties of the sevayat (priests), administrative powers of the Shri Jagannath Temple Managing Committee, rights and privileges of the Raja of Puri and other persons connected with the management and administration of the temple.

**Recent Amendments:**

The power will now be delegated to temple administration and concerned officials for sale and lease of land in the name of Jagannath temple.  
Unlike earlier, no approval will be required from the state government for the process.  
The Section 16 (2) of the act states that no immovable property taken possession of by the temple committee shall be leased out, mortgaged, sold or otherwise alienated except with the previous sanction of the State Government.

**Jagannath Temple**

The temple is believed to have been constructed in the 12th century by King Anantavarman Chodaganga Deva of the Eastern Ganga Dynasty.  
Jagannath Puri temple is called 'Yamanika Tirtha' where, according to the Hindu beliefs, the power of 'Yama', the god of death has been nullified in Puri due to the presence of Lord Jagannath.  
This temple was called the "White Pagoda" and is a part of Char Dham pilgrimages (Badrinath, Dwaraka, Puri, Rameswaram).  
There are four gates to the temple- Eastern 'Singhdwara' which is the main gate with two crouching lions, Southern 'Ashwadwara', Western 'Vyaghra Dwara and Northern 'Hastidwara'. There is a carving of each form at each gate.

In front of the entrance stands the Aruna stambha or sun pillar, which was originally at the Sun Temple in Konark.

### **Other Popular Monuments of Odisha**

Konark Sun Temple (UNESCO World Heritage Site)  
Lingaraja Temple  
Tara Tarini Temple  
Udaygiri and Khandagiri Caves

### **(6) Omisure Kit**

**News :-** Recently, the Indian Council of Medical Research (ICMR) has approved a made-in-India testing kit, named Omisure, for detecting the Omicron variant of the SARS-CoV-2 coronavirus.

The kit currently in use to detect Omicron in the country has been developed by the US-based scientific instrumentation company Thermo Fisher.

Further, the World Health Organisation (WHO) has proposed some measures to strengthen laboratory capacities, with the focus on addressing inequalities in access to Covid-19 diagnostics tools.

### **Key Points**

#### **About Omisure:**

This RT-PCR kit is manufactured by Tata Medical and Diagnostics.

It uses S-Gene Target Failure (SGTF) strategy.

Currently, Omicron patients are detected only after genome sequencing.

However, the Omisure test kit helps to eliminate this step and detects the Omicron variant of SARS-CoV2 in the nasopharyngeal/ oropharyngeal specimens during the RT-PCR tests.

The Omicron variant underwent several mutations in the S-gene, the SGTF strategy checks and indicates it in patients who are detected Covid positive.

'S' Gene, ORF, 'N' gene, Rdrp, 'E' gene are viral genes that are targeted to detect Covid-19 virus.

#### **WHO Propositions:**

**Genomics Consortium:** The WHO is proposing to set up a SARS-CoV-2 genomics consortium in Southeast Asia.

The consortium will help enhance genomic sequencing and surveillance to develop a robust regional system for detecting and monitoring the evolution of SARS-CoV-2 viral threats for epidemics and pandemics.

**Genome Sequencing:** WHO had called for increased genome sequencing.

This will also help improve the timely use of genomic data for public health decision-making and to strengthen preparedness and response to future outbreaks/ pandemics.

**Addressing Key Barriers:** Need to check key barriers like limited trained workforce and other resources for sustained long-term testing and sequencing capacities.

#### **Indian Council of Medical Research (ICMR)**

ICMR is the apex body in India for the formulation, coordination and promotion of biomedical research.

It was founded in 1911 with the name of Indian Research Fund Association (IRFA) and renamed as ICMR in 1949.

It is funded by the Government of India through the Department of Health Research, Ministry of Health & Family Welfare.